

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **SAMUEL C ROGERS V STATE OF MICHIGAN**

Docket No. **297579**

L.C. No. **08-279283-TS**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.211(E)(2), orders:

The pleading filed by plaintiff is DISMISSED for lack of jurisdiction. To the extent that plaintiff's filing is regarded as a complaint for class action, the circuit court would have jurisdiction over an action seeking the relief sought in that complaint, so plaintiff may not bring that original action before this Court. MCR 3.301(A)(1). If the pleading is treated as an application for delayed appeal from the Genesee Circuit Court's December 16, 2008 order, this Court would lack jurisdiction since plaintiff failed to file it within 12 months of the date of entry for the circuit court's order as required by MCR 7.205(F)(3).

The motion to waive fees is GRANTED, for this case only.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**MAY 04 2010**  
Date

*Sandra Schultz Mengel*  
Chief Clerk